

the performance of funeral honors functions by members of the National Guard at funerals for veterans of the armed forces may be treated by the Secretary concerned as a Federal function for which appropriated funds may be used. Any such performance of funeral honors functions at such a funeral may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 115 of this title.

(Added Pub. L. 105-85, div. A, title V, §517(a)(1), Nov. 18, 1997, 111 Stat. 1733; amended Pub. L. 105-261, div. A, title V, §567(d), Oct. 17, 1998, 112 Stat. 2031; Pub. L. 106-65, div. A, title V, §578(g)(1), (k)(3)(A), Oct. 5, 1999, 113 Stat. 627, 631.)

AMENDMENTS

1999—Pub. L. 106-65, in section catchline, substituted “Funeral honors” for “Honor guard” and, in text, substituted “funeral honors functions” for “honor guard functions” in two places and “drill or training, but may be performed as funeral honors duty under section 115 of this title” for “drill or training otherwise required”.

1998—Pub. L. 105-261 designated subsec. (a) as entire section and struck out subsec. (b) which read as follows: “This section does not authorize additional appropriations for any fiscal year. Any expense of the National Guard that is incurred by reason of this section shall be paid from appropriations otherwise available for the National Guard.”

§ 115. Funeral honors duty performed as a Federal function

(a) **ORDER TO DUTY.**—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

(b) **SERVICE CREDIT.**—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

(1) service credit under section 12732(a)(2)(E) of title 10; and

(2) if authorized by the Secretary concerned, the allowance under section 435¹ of title 37.

(c) **REIMBURSABLE EXPENSES.**—A member who performs funeral honors duty under this section may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

(d) **REGULATIONS.**—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

(Added Pub. L. 106-65, div. A, title V, §578(g)(2), Oct. 5, 1999, 113 Stat. 627.)

¹ See References in Text note below.

REFERENCES IN TEXT

Section 435 of title 37, referred to in subsec. (b)(2), probably means the section 435 which relates to funeral honors duty allowances and was added by Pub. L. 106-65, div. A, title V, §578(j), Oct. 5, 1999, 113 Stat. 630.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 114 of this title; title 10 sections 1074a, 1076, 1204, 1206, 1481, 12503, 12732; title 37 section 435.

CHAPTER 3—PERSONNEL

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| 333. | Execution of process and sentence. |
| [334, 335.] | Repealed.] |

AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, §1676(a)(4), Oct. 5, 1994, 108 Stat. 3019, substituted “National Guard officers:” for “officers: Army National Guard:” in items 309 and 310.

1986—Pub. L. 99-661, div. A, title VI, §604(f)(2)(B), Nov. 14, 1986, 100 Stat. 3878, struck out item 318 “Compensation for disablement during training”, item 319 “Compensation for disablement during training when not covered by section 318 of this title”, item 320 “Hospitalization: when Secretary may require”, and item 321 “Death gratuity”.

1984—Pub. L. 98-525, title IV, §414(b)(2)(B), Oct. 19, 1984, 98 Stat. 2519, struck out item 335 “Status of certain members performing full-time duty”.

1983—Pub. L. 98-94, title V, §504(b)(2), Sept. 24, 1983, 97 Stat. 632, added item 335.

1981—Pub. L. 97-124, § 3, Dec. 29, 1981, 95 Stat. 1666, struck out item 334 “Payment of malpractice liability of National Guard Medical personnel”.

1980—Pub. L. 96-513, title V, § 515(1), Dec. 12, 1980, 94 Stat. 2937, inserted “of officers” after “recognition” in item 307.

1976—Pub. L. 94-464, § 2(c), Oct. 8, 1976, 90 Stat. 1988, added item 334.

1961—Pub. L. 87-378, § 5(2), Oct. 4, 1961, 75 Stat. 808, inserted “, reenlistments, and extensions” in item 302.

1958—Pub. L. 85-861, § 2(8), Sept. 2, 1958, 72 Stat. 1544, added items 309 and 310.

CROSS REFERENCES

Active Federal status, see section 12401 of Title 10, Armed Forces.

Appointments as reserve officers, see section 12201 et seq. of Title 10.

Army National Guard and Air National Guard in Federal service, call, see section 12406 of Title 10.

Army Reserve or Air Force Reserve—

Transfer from Army National Guard of United States or Air National Guard of United States to, see sections 12105, 12213, and 12214 of Title 10.

Transfer to upon withdrawal as member of Army National Guard or Air National Guard, see section 12106 of Title 10.

Basic policy for order of Army National Guard of the United States and Air National Guard of the United States into Federal service, see section 10103 of Title 10.

Pay and allowances generally, see Title 37, Pay and Allowances of the Uniformed Services.

Reserve components: detail of members of regular and reserve components to assist, see section 12501 of Title 10, Armed Forces.

Status when not in Federal service, see sections 10107 and 10113 of Title 10.

Uniform, when wearing by persons not on active duty authorized, see section 772 of Title 10.

§ 301. Federal recognition of enlisted members

To be eligible for Federal recognition as an enlisted member of the National Guard, a person must have the qualifications prescribed by the Secretary concerned for the grade, branch, position, and type of unit or organization involved. He becomes federally recognized upon enlisting in a federally recognized unit or organization of the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
301	50:1113(a) (as applicable to enlisted members).	July 9, 1952, ch. 608, § 703(a) (as applicable to enlisted members), 66 Stat. 502.

CROSS REFERENCES

Withdrawal of Federal recognition, see section 323 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 323, 709 of this title.

§ 302. Enlistments, reenlistments, and extensions

(a) Under regulations to be prescribed by the Secretary concerned, original enlistments in the National Guard may be accepted for—

(1) any specified term, not less than three years, for persons who have not served in an armed force; or

(2) any specified term, not less than one year, for persons who have served in any armed force.

(b) Under regulations to be prescribed by the Secretary concerned, reenlistment in the National Guard may be accepted for any specified period, or, if the person last served in one of the highest five enlisted grades, for an unspecified period.

(c) Enlistments or reenlistments in the National Guard may be extended—

(1) under regulations to be prescribed by the Secretary concerned, at the request of the member, for any period not less than six months; or

(2) by proclamation of the President, if Congress declares an emergency, until six months after termination of that emergency.

(Aug. 10, 1956, ch. 1041, 70A Stat. 601; Pub. L. 87-378, § 5(1), Oct. 4, 1961, 75 Stat. 808.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302	32:124.	June 3, 1916, ch. 134, § 69; restated July 11, 1919, ch. 8 (20th par. under “National Guard”); restated June 4, 1920, ch. 227, subch. I, § 37; restated June 6, 1924, ch. 275, § 4; restated June 15, 1933, ch. 87, § 7, 48 Stat. 156; July 9, 1952, ch. 608, § 806(a), 66 Stat. 506.

32:124 (1st proviso) is omitted as executed. The word “reenlistments” is substituted for the words “subsequent enlistments”.

AMENDMENTS

1961—Pub. L. 87-378 permitted original enlistments for any specified term, not less than three years, for persons who have not served in an armed force, authorized reenlistments for any specified period, or if the person last served in one of the highest five enlisted grades, for an unspecified period, extensions of enlistments or reenlistments at the request of the member for any period not less than six months after termination of the emergency.

EFFECTIVE DATE OF 1961 AMENDMENT

Section 6 of Pub. L. 87-378 provided that: “The amendments made by sections 3, 4, and 5 of this Act [amending this section and sections 3261 and 8261 of Title 10, Armed Forces] shall not affect any enlistment, reenlistment, or appointment entered into or made before the effective date of this Act [Oct. 4, 1961].”

CROSS REFERENCES

Army National Guard of United States and Air National Guard of United States, see section 12107 of Title 10, Armed Forces.

§ 303. Active and inactive enlistments and transfers

(a) Under regulations to be prescribed by the Secretary of the Army, a person qualified for enlistment in the active Army National Guard may be enlisted in the inactive Army National Guard for a single term of one or three years. Under regulations prescribed by the Secretary of the Air Force, a person qualified for enlistment in the active Air National Guard may be enlisted in the inactive Air National Guard for a single term of one or three years.

(b) Under such regulations as the Secretary of the Army may prescribe, an enlisted member of